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**FACSIMILE TRANSMISSION**

DATE: March 27, 2003

To:

NAME	FAX NO.	PHONE NO.
U.S. Patent & Trademark Office Office of Petitions <b>ATTENTION: PHILLIP GAMBEL</b>	703-308-6916	

FROM: Timothy M. Kelley PHONE: (414) 271-6560

SENT BY: Sharon Johnson EXTENSION: 3107 LOCATION: 30SC

NUMBER OF PAGES, INCLUDING COVER:	9
CLIENT MATTER NUMBER:	092271-9010-01

SENDER'S ACCOUNT NUMBER: 0107

## NOTES/COMMENTS:

Mr. Gambel -

Here is a copy of what I sent to the Office of Petitions on December 17, 2002.

RE: U.S. Serial No. 09/980,352  
Filed: November 30, 2001

Following is a REQUEST FOR WITHDRAWAL OF ABANDONMENT along with the supporting papers.

Please acknowledge receipt of these documents by return facsimile to (414)277-0656.

Thank you very much for your assistance with this matter.

Sharon A. Johnson  
Intellectual Property Administrator  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, WI 53202-4108  
Telephone: (414)271-6560 X3107  
Fax (414)277-0656 sajohnson@mbf-law.com

MAR 27 2003

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re  
Patent Application of  
Robert Scott Youngquist, et al.  
Application No. 09/980,352  
Filed: November 30, 2001  
Confirmation No.: 3107

International Application No. PCT/US00/05194  
Int'l Filing Date: 01 March 2000

Examiner: Greg Toatley  
"BIARYL COMPOUNDS"

I, Sharon A. Johnson, hereby certify that this correspondence is being sent by Facsimile No. 703-308-6916 to the Office of Petitions to the Attention of Greg Toatley, at the U.S. Patent and Trademark Office, on the date of my signature.

Sharon A. Johnson  
Signature

12-17-02  
Date of Signature

## REQUEST FOR WITHDRAWAL OR ABANDONMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

*MAR 27 2003*

Sir:

This is responsive to the Notice of Abandonment mailed November 19, 2002. The Notice states that the Applicant did not respond to the Notification of Missing Requirements in a timely manner. However, the Applicant did not receive the Notice of Missing Requirements; and this fact was confirmed by Examiner Greg Toatley. Attached is a copy of our docketing record (which shows that we never received the Notice of Missing Requirements), a copy of the Declaration Combined with Power of Attorney form and a copy of the Notice of Abandonment form.

The Notification of Missing Requirements Form

After a telephone conference on December 17, 2002, Examiner Greg Toatley faxed to the undersigned a copy of the Notification of Missing Requirements form, a copy of this notification is also attached.

In view of the foregoing, Applicant respectfully requests that this Notice of Abandonment be withdrawn and for consideration of the application on the merits.

Respectfully submitted,

*Timothy M. Kelley*  
Timothy M. Kelley  
Reg. No. 34,201

File No. 092271-9010-01

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4108  
(414) 271-6560

**Country Application**

17-Dec-02

**Case Number:** 092271-9010    **Volume No.:** 002    **Country:** US    **SubCase:** 01**Client:** University of Texas Southwestern M United States of America**Case Type:** PCT**Application Status:** Pending**Area(s):**  
WO**Application Number:** 09/980352**Filing Date:** 30-Nov-2001**Patent Number:****Issue Date:****Publication Number:****Publication Date:****Priority Number:****Priority Date:** 01-Jun-1999**Confirmation Number:****Expiration Date:****Tax Schedule:** LE**Abandonment Date:****Agent:****Agent Reference Number:****List Of Actions**

Action(s) Due	Due Date	Action Taken
STATUS ON RECEIPT OF POSTCARD	30-Dec-2001	Due Date 10-Dec-2001
FILE PRELIMINARY AMENDMENT	28-Feb-2002	Due Date 30-Nov-2001
FILING RECEIPT FOLLOWUP	28-Feb-2002	Due Date 28-Feb-2002
INFORMATION DISCLOSURE STMT.	28-Feb-2002	Due Date 28-Fcb-2002
STATUS CHECK ON POSTCARD	05-Apr-2002	Due Date 01-Apr-2002
FILE PRELIMINAR Follow Up Date	30-May-2002	Due Date 10-Dec-2001
STATUS ON RECEIPT/ASSIGNMENT	05-Sep-2002	Due Date 24-May-2002
FILE PETITION TO REVIVE	19-Dec-2002	Due Date
FILING RECEIPT FOLLOWUP	30-Dec-2002	Due Date
INFORMATION DISCLOSURE STMT.	30-Dec-2002	Due Date
STATUS CHECK/ACKNOWLEDGING	05-Jan-2003	Due Date
14 MO. FOLLOWUP	30-Jan-2003	Due Date

**User ID:** mak**Date Created:** 12-Dec-2001**Last Update:** 30-May-2002

## DECLARATION COMBINED WITH POWER OF ATTORNEY

Page 1 of 2  
Attorney Docket No. 7584

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Biaryl Compounds the specification of which

(check one)  is attached hereto.  
 was filed on March 1, 2000 as United States Application No.  
 or PCT International Application Serial No. PCT/US 00/05194  
 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35 United States Code §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
<u>60/137,052</u>	<u>6/1/99</u>			
<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Application Serial No.</u>	<u>Filing Date</u>	

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Application Serial No.</u>	<u>Filing Date</u>
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I hereby claim the benefit under Title 35 United States Code §120 of any United States application(s), or §365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35 United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>U.S. Parent Application Number</u>	<u>PCT Parent Number</u>	<u>Parent Filing Date (MM/DD/YYYY)</u>	<u>Parent Patent Number (If applicable)</u>

As named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

<u>Name</u>	<u>Reg. No.</u>	<u>Associate Power of Attorney Attached</u>
Jacobus, C. Rasser	37,043	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
T. David Reed	32,931	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ban S. Hersko	32,572	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Leonard W. Lewis	30,769	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
David L. Suter	30,692	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Timothy B. Guffey	41,048	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Catherine U. Brown	44,565	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

SEND CORRESPONDENCE TO:

Catherine U. Brown

The Procter &amp; Gamble Company

(513) 627-1637

Name

Phone No.

Miami Valley Laboratories, P. O. Box 538707, Box 633, Cincinnati, Ohio 45253-8707

Street

City

State

Zip Code

Page 2 of 2  
Attorney Docket No. 7584

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Robert Scott Youngquist

Inventor's signature Robert Scott Youngquist

5-16-00

Date

Residence 8511 Charleston Knoll Court, Mason, OH 45040

Citizenship U.S.

Post Office Address The Procter & Gamble Company, Miami Valley Laboratories  
11810 East Miami River Rd, Ross, Ohio 45061

Full name of second joint inventor, if any John McMillan McIver

Inventor's signature John McMillan McIver

3/16/00

Date

Residence 9999 Indian Springs Drive, Cincinnati, OH 45241

Citizenship U.S.

Post Office Address The Procter & Gamble Company, Miami Valley Laboratories  
11810 East Miami River Rd, Ross, Ohio 45061

7584dec



Commissioner for Patents  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/980,352		Robert Scott Youngquist	092271-9010

Timothy M Kelley  
Michael Best & Friedrich  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

**CONFIRMATION NO. 3107**  
**ABANDONMENT/TERMINATION**  
**LETTER**

  
\*OC00000009056294\*

Date Mailed: 11/19/2002

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/08/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

*MAR 27 2003*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Facsimile Transmittal Cover Sheet****UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Office of Petitions**  
**Assistant Commissioner for Patents, Box DAC**  
**Washington, DC 20231****To:****Sharon Johnson****Company:****Fax number:****414-277-0656****Phone number:****414-271-6560-ext. 3107****Re:****Notice of Missing Requirements****From:****Gregory J Toatley Jr****Date:****12/17/02****Total no. of pages, including this cover sheet:****3****Sender's reference number:****Recipient's reference number:**

**Urgent**    **For Review**    **Please Comment**    **Please Reply**    **Please Recycle**

**Ms. Johnson,****Here is a copy of the Notice of Missing requirements as requested.****MAR 27 2003****CONFIDENTIALITY NOTE:**

This facsimile transmission and any attachments are confidential and may be protected by legal privilege. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of this transmission or any attachment is prohibited. If you have received this transmission in error, please notify us immediately by notifying the sender, Gregory J Toatley Jr, at 703-305-4066, and delete this copy. Thank you for your cooperation.

**Return Phone Number: 703-305-4066****Return Fax Number: 703-308-6916**



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/980,352	Robert Scott Youngquist	092271-9010
INTERNATIONAL APPLICATION NO.		
PCT/US00/05194		
I.A. FILING DATE	PRIORITY DATE	
03/01/2000	06/01/1999	

Timothy M Kelley  
Michael Best & Friedrich  
100 East Wisconsin Avenue  
Milwaukee, WI 53202

CONFIRMATION NO. 3107  
371 FORMALITIES LETTER



"0C00000007256089"

Date Mailed: 01/08/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

MAR 27 2002

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/980,352	PCT/US00/05194	092271-9010